

## REMARKS

### **A. Claim rejections**

Claims 31 and 32 were rejected under 35 U.S.C. §§ 101 and 112, second paragraph. Claims 1-6, 8-9, 11-18, 20-27, and 29-30 were rejected under 35 U.S.C. § 102(b). Claims 7, 10, 19, and 28 were rejected under 35 U.S.C. § 103(a). Applicant has canceled claims 1-32.

### **B. Newly presented claims**

Applicants have presented claims 33-37 that more clearly define the claimed invention. Applicant respectfully submits that these claims are patentable over the cited references. None of the references, alone or in combination, teach or suggest an article of footwear comprising an insole having a rigid periphery attached to a central area of stretchable material, an outsole having an upper surface that defines at least one depression underlying the stretchable material, and a cushioned insert having an extension from its lower surface that deforms the stretchable material overlying that depression so that the extension is receivable within the depression. Nor do the references teach or suggest a method of making an article of footwear that comprises the steps of providing an insole having a rigid periphery attached to a central area of stretchable material, positioning a last against the upper insole surface with at least one portion of the last pressing against the stretchable material so that the corresponding material-covered last portion extends below the insole periphery, injection molding an outsole with an upper surface that defines a depression corresponding to the at least one material-covered last portion extending below the insole periphery, and inserting a cushioned member having at least one extension from its lower surface that deforms the stretchable material overlying that depression so that the extension is receivable within the depression.

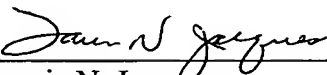
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### CONCLUSION

For the reasons stated above, the claims presented herein satisfy the statutory requirements of patentability and are patentable over the cited references. Applicant respectfully submits that the claims are in condition for allowance and requests that a Notice of Allowance be issued.

Respectfully submitted,

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